

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2374

Introduced by Assembly Member Mansoor

February 21, 2014

An act to amend Section 11833 of, and to add Section 11830.01 to, the Health and Safety Code, relating to substance abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2374, as amended, Mansoor. Substance abuse: recovery and treatment services.

(1) Existing law grants the Department of Health Care Services the sole authority in state government to license adult alcoholism or drug abuse recovery or treatment facilities. The department is authorized to issue a license to specified types of facilities if certain criteria are met. *Existing regulations require licensees to report specified events and incidents to the department, including, among others, the death of a resident at a licensed facility.*

~~This bill would require an alcoholism or drug abuse program licensee to report specified events or incidents, including among other things, the death of a program resident, telephonically within one working day of the event or incident, and to provide a written report, as specified, within 7 days of the event or incident.~~ *the department to design its death investigation policy to ensure that the death of a resident of a licensed facility is reported by the licensee and addressed by the department in a timely manner. The bill would specify the content of telephonic and*

written reports of events or incidents occurring in a licensed facility that are required to be reported to the department.

(2) Existing law grants the department the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under state law. The department, by regulation, requires that a person who will provide counseling services to those programs to register with, and be certified by, a nationally accredited certifying organization approved by the department.

This bill would ~~require that, prohibit the department from approving an organization for those purposes that does not,~~ prior to registering or certifying a counselor, ~~the certifying organization~~ consult with the available electronic databases of certain other approved counselor certifying organizations to determine whether the person has ever had his or her registration or certification as a counselor revoked.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11830.01 is added to the Health and
2 Safety Code, to read:
3 11830.01. (a) The death investigation policy of the department
4 shall be designed to ensure that a resident's death is reported by
5 the licensee and addressed by the department in a timely manner.
6 ~~(b) The licensee shall make a telephonic report to the department~~
7 ~~within one working day of any of the following events or incidents:~~
8 ~~(1) Death of any resident for any cause, even if the death did~~
9 ~~not occur at the facility.~~
10 ~~(2) Any facility-related injury of any resident that requires~~
11 ~~medical treatment by a physician at a health care facility licensed~~
12 ~~pursuant to Division 2 (commencing with Section 1200).~~
13 ~~(3) Poisonings.~~
14 ~~(4) Natural disasters that affect the facility premises.~~
15 ~~(5) Fires or explosions that occur in or on the facility premises~~
16 ~~that necessitate action by a fire department or other emergency~~
17 ~~response unit.~~

1 ~~(e) The telephonic report described in subdivision (b) shall be~~
2 ~~followed by a written report to the department, in a form prescribed~~
3 ~~by the department, within seven days of the event or incident.~~

4 ~~(d)~~

5 (b) The telephonic and written reports *of events or incidents*
6 *occurring in a licensed facility that are required to be reported to*
7 *the department* shall include, but not be limited to, a description
8 of the event or incident, including the time, location, and nature
9 of the event or incident, a list of immediate actions that were taken,
10 including persons contacted, and a description of the followup
11 action that is planned, including, but not limited to, steps taken to
12 prevent a recurrence of the event or incident.

13 SEC. 2. Section 11833 of the Health and Safety Code is
14 amended to read:

15 11833. (a) The department shall have the sole authority in
16 state government to determine the qualifications, including the
17 appropriate skills, education, training, and experience of personnel
18 working within alcoholism or drug abuse recovery and treatment
19 programs licensed, certified, or funded under this part.

20 (b) The department shall require that a counselor working within
21 a program described in subdivision (a) be registered with or
22 certified by an organization approved by the department to register
23 and certify counselors. ~~Prior~~ *The department shall not approve an*
24 *organization that does not, prior to registering or certifying a*
25 *counselor, an approved organization shall consult with the available*
26 electronic databases of the other department-approved counselor
27 registration and certification organizations to determine whether
28 the person has ever had his or her registration or certification as a
29 counselor revoked.